

Notice of Allowability

Application No.

09/973,298

Examiner

Catherine Simone

Applicant(s)

POLLEY, JOHN W.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment, filed 2/14/06.
2. ☒ The allowed claim(s) is/are 32-49.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other Drawings.

DRAWINGS

The drawings filed on 10/09/01 are accepted by the Examiner.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William Clemens on 4/26/06.

The application has been amended as follows:

Delete the Abstract and Insert the Abstract below:

An ergonomic floormat has particular utility as a surgical mat to decrease musculoskeletal fatigue in humans during prolonged static postural stress, as occurs during standing. The floormat is uniquely designed in a laminated fashion, utilizing bubble shaped closed cellular materials, closed cellular polyethylene foam materials and/or closed cellular polypropylene foam materials. The unique design allows an ergonomically, non-compressible mat, which offers high support and high Indent Force Deflection. The mat is designed for single use only and is completely disposable. The mat is water repellant and anti-static, and can include an anti-skid bottom surface of a low-tack, adhesive material to allow for greater securement to the surgical floor and to prevent slippage. While the floormat is designed with particular application for the

operating theatre, it may find use in consumer and industrial situations as well, where a disposable mat is desired for maximum ergonomic and anti-fatigue properties.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The closest prior art of record fails to teach or suggest the recited structure for a mat for decreasing musculoskeletal fatigue in humans during prolonged static postural stress. Independent claim 32 identifies the uniquely distinct features of "a base layer including a low-tack adhesive bottom surface" and "a cover layer of anti-static closed cellular polypropylene foam material wherein said bubble layers and said intermediate layer are positioned between said base layer and said cover layer".

Independent claim 41 identifies the uniquely distinct features of "a base layer including a low-tack adhesive bottom surface" and "a cover layer of anti-static closed cellular polypropylene foam material having a density in a range of 0.5 to 0.7 pounds per cubic foot wherein said bubble layers and said intermediate layer are positioned between said base layer and said cover layer".

Independent claim 47 identifies the uniquely distinct features of "a base layer of a polyethylene carrier sheet having an upper surface and a lower surface and a low-tack adhesive carried on said lower surface", "a removable liner releasably attached to said low-tack adhesive" and "a cover layer of anti-static closed cellular polypropylene foam material wherein said bubble layers and said intermediate layer are positioned between said base layer and said cover layer". The closest prior art of record, Herman (USPN 4,356,642), discloses a support device including a pair of bubble layers each having a bubble side and a flat side, and an intermediate layer of a foam material wherein the bubble sides of the bubble layers are positioned to face opposite sides of the

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intermediate layer, which either singularly or in combination, fail to anticipate or render obvious the above limitations.

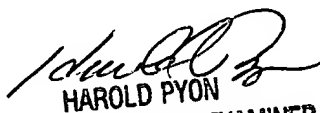
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571)272-1501. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Catherine A. Simone
Examiner
Art Unit 1772
April 26, 2006


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

4/28/06